

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

TROY VANCURTIS ELLIS

PLAINTIFF

v.

CIVIL ACTION NO. 3:12cv777-DPJ-FKB

SHERIFF TYRONE LEWIS, et al.

DEFENDANTS

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court. Magistrate Judge Ball recommended dismissal without prejudice of Ellis's § 1983 action because the claims raised herein have been asserted in an earlier-filed action in this Court. The Court, having fully reviewed the unopposed Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of this Court, and the same entire action should be dismissed without prejudice.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this the 13th day of November, 2013.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE